

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DEPOSITORS INSURANCE CO.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17 CV 803 DDN
	)	
NEU CONSTRUCTION SERVICES, INC.	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER AND RECOMMENDATION  
REGARDING MOTION TO SET ASIDE DEFAULT**

There being no objection by the plaintiff to the subject motion, consistent with the strong policy under the Federal Rules of Civil Procedure that cases be decided on their merits rather than by default judgment, *Allstate Ins. Co. v. Chante Bass*, 2014 WL 2765286 at \*1 (E. D. Mo. 2014), and there being no intentional delay on the part of the subject defendants responding to this action, pursuant to Fed. R. Civ. P. 55(c),

**IT IS HEREBY RECOMMENDED** that the motion of defendants Joe Adams and Deanna Daughhetee (ECF No. 19) to set aside the Clerk's Entry of Default (ECF No. 14) **be sustained.**

Because not all the parties have consented to the exercise of plenary authority by the undersigned United States Magistrate Judge under 28 U.S.C. § 636(c), *Henry v. Tri-Services, Inc.*, 33 F.3d 931, 933 (8th Cir. 1994); *Edwards v. Dwyer*, 2007 WL 2873337 at \*1 (E. D. Mo. 2007),

**IT IS HEREBY ORDERED** that the Clerk of Court reassign this action to a United States District Judge.

The parties have 14 days to file written objections to this Order and Recommendation. The failure to file timely, written objections may waive the right to appeal issues of fact.

/s/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

Signed on May 30, 2017.